

CONCORD CONSERVATION COMMISSION
MINUTES
Regular Meeting
September 10, 2014
Second Floor Conference Room, City Hall
41 Green Street, Concord, NH

Attendance

Christopher Morgan, Chair, called the meeting to order at 7:00 p.m.

Members present at the meeting included: Chair Christopher Morgan, James Owers, Kristine Tardiff, Frederick Chormann, Tracey Boisvert and Councilor Jan McClure (arrived at 7:10pm). Senior Planner Rebecca Hebert and Administrative Specialist Patricia Murray from the Planning Division and Danielle Pacik, Deputy City Solicitor also attended the meeting.

1. Minutes, August 13, 2014 meeting

Ms. Tardiff moved to accept the August 13, 2014 minutes with the deletion of the word “posting” on page 3 last paragraph. Mr. Chormann seconded the motion; motion passed unanimously.

2. New Business

a. Discussion of proposed substation on the Unitil conservation easement parcel off of Curtisville Road

Ms. Pacik gave an update of this item. She reported that she met with City Council regarding the idea of a conservation easement and potential for a land swap. She stated one of the issues was whether or not the site could be put on another location closer to Portsmouth Street which would move it away from the beaver pond but would require City Council approval for land swap. City Council had some concerns about proximity of the substations to houses in the area and asked if Unitil could push the substations further out of sight. They also wanted Unitil to explore all city owned land and not just the tax deeded parcel to see if it can be out of visibility of homeowners. Ms. Pacik said when given this information Unitil came back with another option which Ms. Pacik stated was much better and really out of sight. She presented the new option to City Council this week and they were ok with it and suggested exploring a land swap. Ms. Pacik said if the new site is acceptable to Conservation Commission the next step is to meet with Unitil and discuss the terms of the land swap. She stated Unitil had indicated that they wanted money for the land value and for reimbursement for engineering and design costs already put into the project. She stated the new location being looked at is in the Whispering Heights area and Unitil would relinquish their rights to build substations on land they currently own. Ms. Hebert showed the Commission the area on a map. She stated there are no developed plans at this time so it is not clear how much of a vegetative buffer is left or where the utility line clearing would be but this would be the same proposal as off of Curtisville Road with the 2 substations.

After some discussion regarding location, Ms. Pacik asked if the Commission wanted to explore this option. The Commission stated this proposal was preferable in concept. Ms. Pacik said the next step is to talk with Unitil to let them know this location is supported and preferred in concept by the Conservation Commission and to get more details and start the land swap discussions and ask Unitil to come back to the Conservation Commission when they are ready.

Mr. Owers moved to enter into a nonpublic session for the discussion of conservation property in accordance with RSA 91-A:3, II(d). Ms. Tardiff seconded the motion, and the motion passed unanimously. The Commission entered into non-public session.

Following the discussion, the Commission moved to exit nonpublic session and seal the minutes. The motion was duly seconded and passed unanimously.

3. Wetlands Bureau

- a. Correspondence – none

4. Reports

- a. Trails Committee – Ms. Hebert updated the Commission. The Trails Committee met in August. Ron will continue to attend meetings until Ms. Hebert’s replacement is hired. They discussed the Daisy Beach issue. Ms. Hebert presented a sample sign for the parking lots at Horsehill Road and Runnells Road. The Commission approved of the sign as proposed and Ms. Hebert will place the order.

Ms. Hebert has a request for the Concord High School ropes course members to camp at Oak Hill on Friday, November 14 while volunteering for trail work working on bridge repairs.

Ms. Tardiff made a motion to approve the Concord High School Ropes Course members camping on Oak Hill on Friday, November 14. Mr. Owers seconded the motion. Motion passed unanimously.

Ms. Hebert gave an update on Broken Ground. She stated there is a GPS inventory of the trails that exist now. Ron is conducting a preliminary forest assessment and inventory so that he can coordinate any type of forestry management recommendation with whatever recreation activities that may happen on site. Ms. Hebert said the plan is to find a volunteer to champion the plan.

Discussion ensued regarding plowing of Oak Hill, Swope Park and Winant Park. Councilor McClure inquired if an independent contractor could be utilized instead of going through General Services. Ms. Hebert will forward information to Councilor McClure and she will pursue with GS.

- b. Upper Merrimack River Local Advisory Committee – Chair Morgan spoke about the Wild and Scenic letter received from Michelle Trombley on July 3rd. They are requesting a letter of support by October 31 for the wild and scenic designation. Ms. Hebert said there is a report but it never went to City Council. Mr. Chormann stated that this unraveled due to lack of response from other communities. He will inquire about the status at the next meeting.
- c. Contoocook and North Branch Rivers Local Advisory Committee – no update
- d. Forestry – Ms. Hebert distributed the report.
- e. Street Trees – no update

5. City Council/Planning Board

- a. Conditional Use Permit applications for PSNH for temporary and permanent wetland buffer and Shoreland buffer impacts associated with the re-establishment of the 317 Line in Concord

Mr. Owers recused himself from this item.

Brian Pratt, CLD and Dave Still, PSNH were present. Mr. Pratt stated that at the last meeting some things were worked out which included putting some permanent signs around the vernal pools and not cutting the low vegetation around the vernal pools or in them, not cutting the low lying vegetation within the 75 foot Shoreland buffers and to reduce the cutting width to 80 feet in some sensitive areas which is about half of Concord. He stated they will present to the Planning Board on Wednesday September 17th and the Planning Board is refraining from a decision until they hear from Conservation Commission. Ms. Boisvert asked about the site

walk that took place on September 3. Chair Morgan stated there were a number of people with concerns present and he thought PSNH was fairly responsive to concerns that were expressed. Chair Morgan invited members of the public to speak.

Mr. Tony Bourque, 7 River Road, Penacook, spoke. The easement passes 1,000 feet through his property which is a tree farm. His tree farm is one of the oldest in the state and one of the last totally intact 19th century farms in the city. The line starts in the wooded area and goes right through the fields that abut River Road. He stated he has many concerns. His main concern initially was that the original buffer area was approximately 70 feet wide and he has kept that area mowed/maintained for several years by himself and previous owners. He said the trees at the side of the easement are nearly as old as the line. He said he negotiated a little with PSNH and came up with an agreement stating they are willing to maintain an easement of 80 feet in the area of Borough Road to River Road. Mr. Bourque has read the agreement and he stated it allows them to come back anytime to use the entire 100 feet. He stated his trees are not ready for harvest and the 100 foot easement would encroach on those trees. He said for that reason he has asked the Conservation Commission to consider making a recommendation to the Planning Board to have this line buried. He stated he recommends a buried for several reasons. First, a buried line would be less intrusive, the lay of the land would remain more primitive. Second, the line would be safer if buried in that if a line came down there would be no worries about fire. And third, there would be a lot less visual pollution. He stated the replacement poles are going to be 75 feet in height and feels this will be very visually intrusive. He stated Northeast Utilities, parent company of PSNH, claims, on their website, that they care for the environment and have installed transmission lines underground before. Mr. Bourque feels that for the safety of the people in Concord and for the way it would look the City would be much better off in requesting the line be buried. He is appealing to the Commission to make that recommendation to the Planning Board. Councilor McClure asked if he was suggesting that the entire line through Concord be buried. Mr. Bourque stated PSNH is talking about narrowing the corridor between Borough Road and River Road but he thinks it would also be advantageous to bury the line beneath the Contoocook River and the Rolfe Canal because it is very visual through there.

Discussion ensued about how much of the easement should/could be buried. Mr. Still, PSNH, commented that when PSNH first discussed lessening the width they talked about Borough Road to River Road initially but there were folks further up near Elm Street with concerns. PSNH was going to leave it up to staff to determine the area of reduced clearing but it would be approximately 2 miles of reduced clearing. Chair Morgan asked Mr. Bourque what is different about the corridor now that would justify a reduced easement or a buried line. Mr. Bourque responded that the corridor is an old corridor but the line is new and it is an opportunity to require an underground line and to have one less visually intrusive power line. He stated we do not truly own the land we are stewards of the land and we have an obligation to pass on something better.

The Commission agreed it was an interesting point that made sense. Councilor McClure referred to the Downtown Penacook project where underground utilities were required. Ms. Tardiff brought up the point that underground lines may be more detrimental to the wetlands and vernal pools. Members discussed the lack of knowledge to make a strong recommendation one way or the other but felt a statement could portray the concerns raised.

Mr. Still added that the application is still in the public hearing stage with the Planning Board so there is opportunity to discuss further. He also stated that it would not be cost effective for PSNH to bury this kind of line. He said there is a balance in every project that they have to strike between the actual cost of the work and the benefit which is why they are trying to make reasonable accommodations to the expressed concerns. Mr. Pratt noted that this is a distribution line which is servicing thousands of homes and cannot be compared to a small development that services maybe 10 homes where it is a much easier endeavor to bury lines.

The Conservation Commission reviewed the proposed Conditional Use Permits at their August meeting and held a site walk on September 3rd. The Commission discussed the findings of the site walk at their meeting on

September 10th and acknowledged that PSNH has committed to making the following changes to the application:

- PSNH would utilize selective vegetative management to maintain a shrub layer of vegetation within the wetland buffers associated with vernal pools and Shoreland buffers. The vegetation in these areas would not be removed to ground level.
- The construction activities within the vicinity of the public boat launch would occur during the late fall, winter or early spring months to avoid impacting the use of the boat launch.
- The right-of-way clearing width would be reduced to 80 feet from Borough Road to Weir Road. The City would also enter into an agreement with PSNH outlining the circumstances when the right-of-way would be cleared to the full 100-foot width which would include dead or diseased trees that present a danger to operation or reliability; trees needing to be removed for access around wetland areas or rock outcroppings; and trees that need to be removed to restore service along the line.

Chair Morgan made a motion stating that PSNH has made a balanced response to the concerns raised and the Commission supports the Conditional Use Permit applications with the incorporation of the suggested changes above, however the Commission also supports the concerns that have been expressed by residents regarding the burying of the line to reduce visual impacts along the corridor. Ms. Tardiff seconded the motion. Motion passed unanimously.

6. Easement Stewardship/Monitoring

Ms. Hebert gave the Commission an update. An intern was not hired this year due to lack of space. She suggested using a contractor for updating the files yearly which would include about 20 easements per year.

7. City Open Space

- a. Non-public session for the discussion of conservation property in accordance with RSA 91-A:3, II(d)

Ms. Tardiff moved to enter into a nonpublic session for the discussion of conservation property in accordance with RSA 91-A:3, II(d). Ms. Boisvert seconded the motion, and the motion passed unanimously. The Commission entered into non-public session.

Following the discussion, the Commission moved to exit nonpublic session and seal the minutes. The motion was duly seconded and passed unanimously.

8. Other Business

Ms. Hebert stated Rob Morrill asked to hire a trapper out on Locke Road for active beaver colonies.

Mr. Owers made a motion to approve the permit to allow Mark and Henry Carrier to trap beavers at the Locke Road area. Mr. Chormann seconded the motion. Motion passed unanimously.

There being no further business, the meeting adjourned at 9:43pm.

A TRUE RECORD ATTEST:

Patricia Murray, *Secretary Pro-tem*